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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/595,531 06/16/00 HANN M ITW-12155-01

PM82/1019

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EXAMINER

VU, S

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 10/19/00

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/595,531

Applicant(s)

Hann

Examiner

Stephen Vu

Group Art Unit

3636



☒ Responsive to communication(s) filed on Sep 29, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 5 and 9-20 is/are pending in the application.

Of the above, claim(s) 14-20 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5 and 9-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 16, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I. Figures 1-2

Group II Figure 3

Group III. Figures 4-6

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.E.P.. § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Kevin Erickson (#38,736) on October 13, 2000 a provisional election was made with traverse to prosecute the invention of Group II, claims 5 and 9-13. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-20 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

3. The information disclosure statement filed September 29, 2000 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

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Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 38. Correction is required.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show how the flexible coupling is attached to one another with respect to the two inserts to allow pivotal movement as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. M.E.P.. § 608.02(d). Correction is required.

Claim Rejections - 35 U.S.C. § 112

6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The problem arises when the headrest assembly and seat frame are positively recited within the body of the claim, such as "the headrest guide is connected with respect to a seat frame of a vehicle." In this case there is an inconsistency within the claims. The preamble in independent claim 9 indicates subcombination, while in the body of claim 11 there is a positive recital of structure indicating that the combination of a headrest assembly and seat frame are being claimed.

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Applicant should clarify what independent claim 9 is intended to be drawn to, i.e. either the headrest assembly alone or the combination of the headrest assembly with the seat frame. Applicant should make the language of the claims consistent with the applicant's intent. If the applicant intends to claim the combination, then the language in the preamble should be made consistent with the language in the body of the claims. If the applicant intends to claim only the subcombination, then the body of the claim must be amended to remove any positive recitation of the combination.

Claim Rejections - 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

8. Claims 5 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker et al.

Parker et al teach a headrest assembly (10), as illustrated in Figures 1-10, comprising a headrest guide having two sleeves (12) forming a channel (14). The two sleeves (12) are rigidly connected with respect to one another, wherein the channel (14) of each of the sleeves (12) is parallel with the other. A headrest insert (16) has a joint being a flexible coupling, wherein the

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flexible coupling is defined as a series of transversely spaced fingers (22) and a pivot pin (24) (see Figure 2), allowing the sleeves (12) to be pivotally moved between a first position to a second position (see col. 5, lines 33-37). In addition, two generally parallel rods (26) are each fixed at one end with respect to the headrest insert (16) and slidable at an opposite end with respect to the channel (14) in the headrest guide.

As for claim 10, the headrest guide has two sleeves (12), which are integrally molded, unitary components (see col. 6, lines 38-41).

With claim 11, it is best understood that the headrest guide is connected with respect to a seat frame of a vehicle (see Abstract, lines 1-4).

As for claim 12, the headrest rods (26) are fixed to the headrest insert (16) on opposite sides of the coupling.

With claim 13, it is best interpreted that the headrest insert (16) tapers from an outer end toward a center portion (see the attached Exhibit A).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandino, Steiner, Hudson, III et al, Van Buren, Jeffcoat et al, and Cox are cited as showing similar types of headrest.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Vu, whose telephone number is (703) 308-1378.

A handwritten signature in black ink that reads "Stephen Vu". The signature is written in a cursive style with a large, stylized "V" at the end.

Stephen Vu
Patent Examiner
October 17, 2000

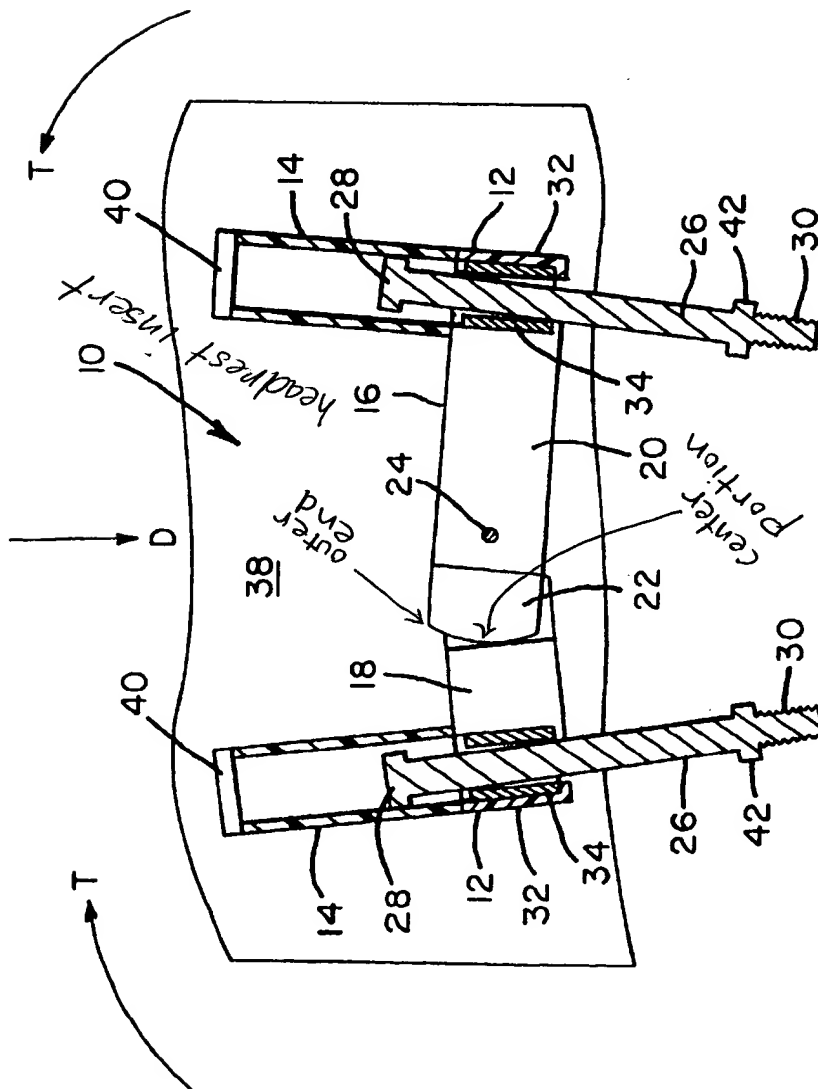


FIG. 3a

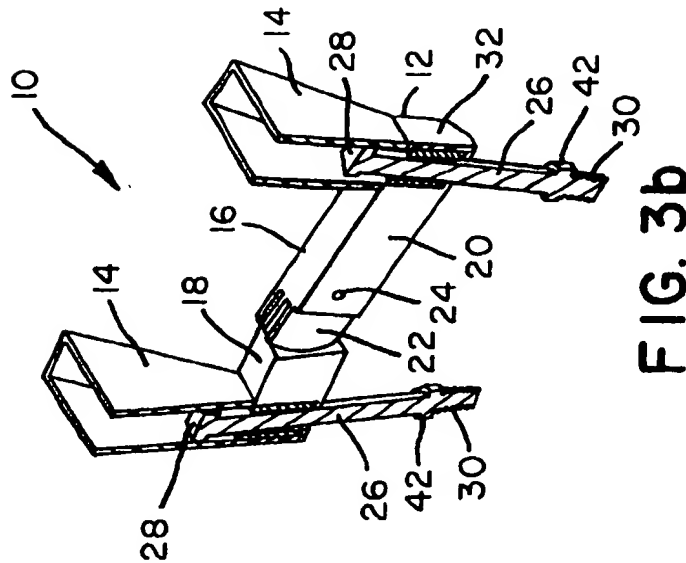


FIG. 3b

EXHIBIT A